



Saint Paul Planning Commission

City Hall Conference Center Room 40
15 Kellogg Boulevard West

Agenda

Christopher B. Coleman,
Mayor

December 30, 2011
8:30 – 11:00 a.m.

Saint Paul
Planning Commission

Chair

Jon Commers

First Vice Chair

Barbara A. Wencil

Second Vice Chair

Paula Merrigan

Secretary

Anthony Fernandez

Pat Connolly

Gene Gelgelu

Bree Halverson

Richard Kramer

Gaius Nelson

Christopher Ochs

Trevor Oliver

Julie Perrus

Marilyn Porter

Betsy Reveal

Tony Schertler

Robert Spaulding

Terri Thao

Jun-Li Wang

Daniel Ward II

David Wickiser

Planning Director

Donna Drummond

I. Approval of minutes of December 16,, 2011

II. Chair's Announcements

III. Planning Director's Announcements

IV. Zoning Committee

SITE PLAN REVIEW – List of current applications. (*Tom Beach, 651/266-9086*)

OLD BUSINESS

#11-299-652 Cityview Apartments Inc. – Rezoning from B2 Community Business to T2 Traditional Neighborhood and Conditional Use Permit for conversion of commercial storefront to residential use. (*Sarah Zorn, 651/266-6570*)

NEW BUSINESS

#11-305-260 Dancers Studio – Conditional Use Permit for a dance hall. 415 Pascal Street North between University and St. Anthony. (*Sarah Zorn, 651/266-6570*)

#11-307-389 Marquette Apartments LLC – Rezoning from RM2 Medium-Density Residential to T2 Traditional Neighborhood. 204 & 208 Western Avenue North, NE corner at Dayton. (*Kate Reilly, 651/266-6618*)

V. Comprehensive Planning Committee

Parkland Dedication Amendments – Release draft amendments to Sec 69.511, Parkland dedication requirements, of the Subdivision Regulations for public review and set public hearing for February 10, 2012.. (*Allan Torstenson, 651/266-6579*)

VI. Neighborhood Planning Committee

VII. Transportation Committee

VIII. Communications Committee

IX. Task Force Reports

X. Old Business

XI. New Business

XII. Adjournment

Information on agenda items being considered by the Planning Commission and its committees can be found at www.stpaul.gov/ped, click on Planning.

Planning Commission Members: PLEASE call Sonja Butler, 651/266-6573, if unable to attend.

**Saint Paul Planning Commission &
Heritage Preservation Commission
MASTER MEETING CALENDAR**

WEEK OF DECEMBER 26-30- 2011

Mon (26) CHRISTMAS HOLIDAY – OFFICE CLOSED



Tues (27)

4:00- Comprehensive Planning Committee
5:30 p.m. (Penelope Simison, 651/266-6554)

HAS BEEN CANCELLED

Weds (28)

Thurs (29)

Fri (30)

8:30- Planning Commission Meeting
11:00 a.m. (Donna Drummond, 651/266-6556)

Room 40 City Hall
Conference Center
15 Kellogg Blvd.

Zoning..... SITE PLAN REVIEW – List of current applications. (Tom Beach, 651/266-9086)

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Comprehensive Planning

Committee..... Parkland Dedication Amendments - Release draft amendments to Sec 69.511, Parkland dedication requirements, of the Subdivision Regulations for public review and set public hearing for February 10, 2012. (*Allan Torstenson, 651/266-6579*)

**Saint Paul Planning Commission
City Hall Conference Center
15 Kellogg Boulevard West**

Minutes December 16, 2011

A meeting of the Planning Commission of the City of Saint Paul was held Friday, December 16, 2011, at 8:30 a.m. in the Conference Center of City Hall.

Commissioners Present: Mmes. Perrus, Reveal, Thao, Wang, Wencil; and
Messrs. Commers, Connolly, Fernandez, Gelgelu, Kramer, Nelson, Oliver,
Schertler, Spaulding, Ward, and Wickiser.

Commissioners Absent: Mmes. *Halverson, *Merrigan, *Porter, and Mr. *Ochs.
*Excused

Also Present: Donna Drummond, Planning Director; Allen Lovejoy, Department of Public Works; Lucy Thompson, Patricia James, Kate Reilly, Sarah Zorn, Jessica Rosenfeld, Ryan Kelley, Sean O'Brian, Matt Wolff, and Sonja Butler, Department of Planning and Economic Development staff.

I. Approval of minutes November 18th and December 2, 2011.

MOTION: *Commissioner Thao moved approval of the minutes of November 18, 2011. Commissioner Ward seconded the motion. The motion carried unanimously on a voice vote.*

MOTION: *Commissioner Reveal moved approval of the minutes of December 2, 2011. Commissioner Thao seconded the motion. The motion carried unanimously on a voice vote.*

II. Chair's Announcements

Chair Commers announced that today is the last day of operation for the Ford plant in Saint Paul. Ford has been an important part of Saint Paul's history and he wanted to take a moment to highlight that.

III. Planning Director's Announcements

Donna Drummond added that Merritt Clapp-Smith is the lead staff person on Ford and she said that the last Ford truck was going to roll off the line at about 8:00 a.m. this morning and all the workers would be there to see that last truck come off the line. It's a very emotional day for all those employees saying goodbye to their co-workers as things start to close down.

Ms. Drummond announced that the City Council approved the sign ordinance from last spring, which had been laid over for 6 months to consider whether or not there should be added regulation of interior window signs. Under the approved regulations, interior window signs will not require a sign permit, unlike exterior window signs. Interior window signs will be limited to

30% of the area between four and seven feet above grade for the windows that are at eye level. There was a clause added for existing nonconforming signs that the City could require signs to be removed for public safety purposes if they blocked views into the establishment to the cash register and clerk area from the outside.

Last Wednesday the City Council also approved various budgets for the City, HRA, Library, etc. Details are in the local newspaper about this.

IV. Zoning Committee

SITE PLAN REVIEW – List of current applications. (*Tom Beach, 651/266-9086*)

One item to come before the staff Site Plan Review Committee on Tuesday, December 20, 2011:

- Lilydale Park Gateway Monument, entry monument, sign and seating area for Lilydale Regional Park at 385 Water Street West.

OLD BUSINESS

#11-298-461 Kingdom Pathways – Re-establishment of nonconforming use as community residential facility licensed by the Department of Human Services. 1038 Aurora and 426 Oxford Street North, east side of Oxford between Aurora and Fuller. (*Luis Pereira, 651/266-6591*)

Commissioner Kramer said that the two parcels are located on two different streets, but are on the same alley and are across from each other. The properties had been previously considered nonconforming sober houses. They existed prior to the establishment of the sober house ordinance, which requires a separation between sober houses. The properties were already nonconforming, and by changing the land use to a community residential facility, the separation required between the two buildings would also become greater. The applicant is asking that the separation requirement be waived as part of the nonconforming use permit. The resolution before the Commission goes through the various requirements and analysis. The committee concluded that the proposed community residential facilities are not consistent with the zoning code and recommended denial of the application.

Commissioner Ward stated that the proposed use is not really a change from what existed before, other than how the use is classified. He referenced additional information handed out this morning and suggested that maybe this should go back to Zoning Committee for further review.

Commissioner Kramer stated that the information received today is outside of the context of the public hearing, so if the Zoning Committee wanted to make a decision based on new information the case would have to be returned to the committee and another notice of public hearing would have to be sent. However, the substantial issues in the case were that by using the nonconforming use designation on two different properties, the actual nonconformity is increased, and that these designations go with the land, not with the applicant. Therefore, the Commission can't control ownership of these properties or prevent them from being sold separately.

Commissioner Perrus reiterated that an ownership condition can not be added. Certain conditions can be added to a nonconforming use permit, but not an ownership condition. So if one of the

properties was sold and the new owner wanted to use it for the same type of use, there would be nothing that the City could do to prevent that. She also clarified that this is not technically the same use -- a sober house has fewer staff and less traffic going in and out of the building. The people in community residential facilities are in treatment, so there is transportation back and forth. It is not the same use that was there before; that was a point in a lot of discussion.

Commissioner Nelson added that a sober house by definition is a single family use and the sober house designation was an accommodation that the City made with regard to the Americans with Disabilities Act to establish a family-like unit that is self sustaining. A community residential facility is by definition an institutional setting. It's not self sustaining; it has staff 24 hours a day coming in and out.

Commissioner Wencil clarified that they are voting on the land use and not the program.

Commissioner Fernandez commented on his reason for voting in favor of the project. He sees a program that is operated in two buildings across the alley from one another that has been in good standing with the neighborhood. If this does not go through there is a potential of two more houses going vacant. The community is definitely behind this, and it's become an asset in the area. That was the reason he felt this was a minor change that can keep this program going. There is no reason why this should not be approved and the people able to continue to do what they are doing.

MOTION: *Commissioner Kramer moved the Zoning Committee's recommendation to deny the re- establishment of legal nonconforming use. The motion carried 11-5 (Connolly, Fernandez, Reveal, Thao, Ward) on a voice vote.*

NEW BUSINESS

#11-299-652 Cityview Apartments Inc – Rezoning from B2 Community Business to T2 Traditional Neighborhood. 743 3rd Street East, NW corner at Maple.
(Sarah Zorn, 651/266-6570)

Commissioner Kramer announced that this case has been laid over to the December 22, 2011 Zoning Committee meeting.

#11-299-856 Justin Hosking and Duke Cono – Re-establishment of nonconforming use as an auto body shop. 323 Maria Avenue, SW corner at 4th. (Luis Pereira, 651/266-6591)

Commissioner Ward said that in some of the neighborhoods where vehicles are being stored there are conditions for the vehicles on the lot. Also, is there a fence or some type of security to prevent theft or pilfering?

Commissioner Kramer stated the Committee did not receive any testimony written or otherwise on those issues.

Commissioner Wencil said that in the application they did state that they have a locked fence that the vehicles are stored within.

MOTION: *Commissioner Kramer moved the Zoning Committee's recommendation to approve the re-establishment of legal nonconforming use subject to additional conditions. The motion carried unanimously on a voice vote.*

#11-299-888 Vincent Reiter (Apex Auto) – Rezoning from I1 Light Industrial to I2 General Industrial. 198 Minnehaha Avenue East, NW corner at Pennsylvania.
(Kate Reilly, 651/266-6618)

MOTION: *Commissioner Kramer moved the Zoning Committee's recommendation to approve the rezoning. The motion carried unanimously on a voice vote.*

#11-299-056 Vincent Reiter (Apex Auto) – Conditional Use Permit for motor vehicle salvage operation with modification and variance of required distance from residential property for outdoor processing and storage. 198 Minnehaha Avenue East, NW corner at Pennsylvania.
(Kate Reilly, 651/266-6618)

Commissioner Nelson pointed out that the salvage yard is higher than the houses. There is a 60 foot rise from the residential uses up to Pennsylvania and then there is another 50 foot rise up to the salvage yard, so there is an elevation differential of more than 100 feet with a major street in between. These factors are relevant in regarding the variance of the distance to residential uses.

Commissioner Ward asked about the capturing of hazardous oils, materials etc. to prevent them from leaking into the ground water or storm sewer systems. He would like to see a condition about environmental restrictions on this variance.

Kate Reilly, PED staff, explained that the permitting process is regulated not only by DSI, but also by County Environmental Services, which inspects the property twice a year to ensure that they follow the environmental regulations. Also all processing is done inside the building which is where all of the fluids are collected.

MOTION: *Commissioner Kramer moved the Zoning Committee's recommendation to approve the conditional use permit subject to additional conditions. The motion carried unanimously on a voice vote.*

Commissioner Kramer announced the items on the agenda for the next Zoning Committee meeting on Thursday, December 22, 2011.

V. Transportation Committee

Minnesota High Speed Rail Study Preferred Alternative – Approve resolution conveying comments to the Minnesota Department of Transportation.
(Allen Lovejoy, Public Works, 651/266-6226)

Allen Lovejoy reported on passenger rail improvements being considered in the Upper Midwest. He stated that regional and international economic growth will depend in part upon frequent and fast rail service among primary metropolitan areas in the U.S. The Twin Cities connection to Chicago is essential for economic prosperity of the Twin

Cities. Chicago is the largest rail hub in North America, and the primary link from the Twin Cities to the rest of the U.S. will go through Chicago.

Minnesota's High Speed Rail Initiative, begun in 1996, is being led by the Minnesota Department of Transportation, and in conjunction with the states of Wisconsin and Illinois. The focus of inquiry is to improve passenger rail between Chicago and the Twin Cities with train speeds of 110 miles per hour. Passenger rail improvements have already been made between Chicago and Watertown (approximately half way between Milwaukee and Madison).

The current work is focused on the federal environmental protection act process which requires an Alternatives Analysis (AA) be done. The focus of the AA is to look at all feasible alternatives between Union Depot and Milwaukee and to select a preferred alternative for further study. The AA has now been drafted and approved for public release by the Federal Railroad Administration. The route recommended runs northwest from Watertown to Tomah, west to La Crosse and then north along Highway 61 and the Mississippi River to the Union Depot.

MOTION: *Commissioner Spaulding moved the Transportation Committee's recommendation to approve the resolution conveying comments to the Minnesota Department of Transportation. The motion carried unanimously on a voice vote.*

Commissioner Spaulding announced that the next Transportation Committee meeting on Monday, December 19, 2011 has been cancelled.

VI. 2010 Census: Trends in Saint Paul and Its Neighborhoods – Informational presentation by Sean O'Brien and Matt Wolff, PED staff. (*Sean O'Brien, 651/266-6008, and Matt Wolff, 651/266-6708*)

Sean O'Brien, PED planning intern, talked about the 2010 Census, and what it means in Saint Paul. A handout was distributed, the Profile of General Population and Housing Characteristics: 2010 Demographic Profile Data. He began by stating that the 2010 Census different from the 2000 Census. It counted population and asked about age, sex, race and household status. The main difference is that there was no long form asking more detailed questions. This information is now collected through the American Community Survey, which goes out to about two million households each year, or about 2% of households, and it provides 1, 3, and 5 year estimates. This data has margins of error, so it is not as complete as the Census. It asks the same questions as the Census, but asked additional questions about income, health insurance, education, who graduated from college, how many people live in a certain area, who didn't graduate from high school, etc. Mr. O'Brien also mentioned the availability of neighborhood data profiles prepared by Wilder Research and offered through Minnesota Compass. The neighborhood profiles compile the 2010 Census, the American Community Survey 5-year estimates, and employment data into one easy to use report. These are available at www.mncompass.org.

Matt Wolff, PED planning intern, highlighted the Wilder data, showing differences between the city's neighborhoods. Looking at population changes by neighborhood, downtown and St. Anthony Park gained a little population, but most neighborhoods stayed very similar in total

population. Other graphs showed changes between 2000-2010 in the proportion of rental units, and the proportion of white, black, Asian and Latino populations. He also showed comparisons to other cities for several key statistics.

Sean O'Brien talked more about the American Community Survey (ACS) data that is not included in the Census but is still important. Looking comparatively at median household income, Saint Paul ranked well in comparison to other similar cities, except Portland. Mr. O'Brien highlighted the education statistics, which show that Saint Paul has a high proportion of people over the age of 25 who have not finished the 9th grade. Saint Paul also has a low graduate school and professional degree rate compared to other cities, except St. Petersburg. The percentage of people driving alone to work is high compared to other cities except St. Petersburg, Florida. He then highlighted neighborhood level statistics in Saint Paul. There is a relatively high percentage of households with no vehicles along University Avenue, where the light rail is coming in, especially near the infill stations. Also, higher poverty rates correspond to where families live; Frogtown especially has a higher rate of poverty.

Commissioner Ward asked if the data on rental units was broken down between single-family and multi-family rentals?

Mr. O'Brien said he believes it is just renter occupied data, and does not break it down into those categories.

Chair Commers asked about how Saint Paul is doing in terms of household income growth and how does that compare to the peer cities that were identified?

Mr. O'Brien said this presentation was focused more on the 2010 Census. The 2005-2009 ACS data came out over a year ago, and the 2010 ACS data just came out about a week or two ago. Trends could be determined from this. However, they didn't specifically look at changes in household income for this presentation. He noted that links to the ACS data could be found on the handout.

VII. Comprehensive Planning Committee

Commissioner Reveal announced the items on the agenda for the next Comprehensive Planning Committee meeting on Tuesday, December 20, 2011.

VIII Neighborhood Planning Committee

Commissioner Wencil announced that the Neighborhood Planning Committee's meeting on Wednesday, December 21, 2011 has been cancelled.

IX. Communications Committee

X. Task Force Reports

None.

XI. Old Business

None.

XII. New Business

None.

XIII. Adjournment

Meeting adjourned at 9:58 a.m.

Recorded and prepared by
Sonja Butler, Planning Commission Secretary
Planning and Economic Development Department,
City of Saint Paul

Respectfully submitted,



Donna Drummond
Planning Director

Approved _____
(Date)

Anthony Fernandez
Secretary of the Planning Commission



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220
Saint Paul, Minnesota 55101-1806

Telephone: 651-266-8989
Facsimile: 651-266-9124
Web: www.stpaul.gov/dsi

SITE PLAN REVIEW COMMITTEE

Tuesday, January 3, 2012
2nd Floor Conference Room
375 Jackson Street, Suite 218

<u>Time</u>	<u>Project Name and Location</u>
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9:30	McDonalds Demo existing restaurant and build new with drive thru window 2322 West 7 th St
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To Applicants:

You should plan to attend this meeting.

At this meeting you will have a chance to discuss the site plan for your project with Saint Paul's Site Plan Review Committee. The Committee is made up of City staff from Zoning, Traffic, Sewers, Water, Public Works, Fire, and Parks. You are encouraged to bring your engineer, architect, or contractor with you to handle any technical questions raised by city staff. The purpose of this meeting is to simplify the review process by letting the applicant meet with staff from a number of departments at one time. Staff will make comments and ask questions based on their review of the plans. By the end of the meeting you will know if the site plan can be approved as submitted or if revisions will be required. Staff will take minutes at the meeting and send you a copy.

Parking

Parking is available at on-street meters. Some off-street parking spaces are available in our visitor parking lot off of 6th Street at Jackson. To see a map of additional nearby parking ramps go to <http://www.ci.stpaul.mn.us/depts/dsi/lep/info/location.html>

If you have any questions, please call Mary Montgomery at 651-266-9088 or mary.montgomery@ci.stpaul.mn.us.

**AGENDA
ZONING COMMITTEE
OF THE SAINT PAUL PLANNING COMMISSION
Thursday, December 22, 2011 3:30 P.M.
City Council Chambers, Room #300
Third Floor City Hall - Saint Paul, Minnesota**

NOTE: The order in which the items appear on this agenda is not necessarily the order in which they will be heard at the meeting. The Zoning Committee will determine the order of the agenda at the beginning of its meeting.

APPROVAL OF DECEMBER 8, 2011, ZONING COMMITTEE MINUTES

SITE PLAN REVIEW – List of current applications (Tom Beach, 651-266-9086)

OLD BUSINESS

- 1 11-299-652 and 11-308-683 Cityview Apartments Inc.**
Rezoning from B2 Community Business to T2 Traditional Neighborhood and a
Conditional Use Permit for conversion of commercial storefront to residential use.
743 3rd St E, NW corner at Maple
B2
Sarah Zorn 651-266-6570

NEW BUSINESS

- 2 11-305-260 Dancers Studio**
Conditional use permit for a dance hall
415 Pascal St N, between University and St. Anthony
T4
Sarah Zorn 651-266-6570

- 3 11-307-389 Marquette Apartments LLC (Western)**
Rezoning from RM2 Medium-Density Residential to T2 Traditional Neighborhood
204 Western Ave N, NE corner at Dayton
RM2
Kate Reilly 651-266-6618

ADJOURNMENT

ZONING COMMITTEE MEMBERS: Call Patricia James at 266-6639 or Samantha Langer at 266-6550 if you are unable to attend the meeting.

APPLICANT: You or your designated representative must attend this meeting to answer any questions that the committee may have.



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

25 West Fourth Street
Saint Paul, MN 55102

Telephone: 651-266-6700
Facsimile: 651-228-3220

DATE: December 23, 2011
TO: Planning Commission
FROM: Zoning Committee
SUBJECT: Results of December 22, 2011 Zoning Committee Hearing

NEW BUSINESS

1. **Cityview Apartments Inc (11-299-652)**
Rezoning from B2 Community Business to T2 Traditional
Neighborhood

Address: 743 3rd St E
NW corner at Maple

District Comment: District 4 had not responded

Support: 0 people spoke, 0 letters

Opposition: 0 people spoke, 0 letters

Hearing: Hearing is open

Motion: Lay over to January 5, 2012

	<u>Recommendation</u>
<u>Staff</u>	<u>Committee</u>

Approval	Laid over (6 - 0)
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2. **CityView Apartments, Inc. (11-308-683)**
Conditional Use Permit for conversion of commercial storefront to
residential use

Address: 743 3rd St E
NW corner at Maple

District Comment: District 4 made no recommendation

Support: 0 people spoke, 0 letters

Opposition: 0 people spoke, 0 letters

Hearing: Hearing is open

Motion: Lay over to January 5, 2012

	<u>Recommendation</u>
<u>Staff</u>	<u>Committee</u>

Approval with conditions	Laid over (6 - 0)
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		<u>Staff</u>	<u>Recommendation</u> <u>Committee</u>
3.	Dancers Studio (11-305-260) Conditional use permit for a dance hall	Approval	Laid over (6 - 0)
	Address: 415 Pascal St N between University and St. Anthony		
	District Comment: District 13 recommended approval		
	Support: 0 people spoke, 0 letters		
	Opposition: 0 people spoke, 0 letters		
	Hearing: Hearing is open		
	Motion: Lay over to January 19, 2012		

		<u>Staff</u>	<u>Recommendation</u> <u>Committee</u>
4.	Marquette Apartments LLC (11-307-389) Rezoning from RM2 Medium-Density Residential to T2 Traditional Neighborhood	Approval	Laid over (6 - 0)
	Address: 204 Western Ave N NE corner at Dayton		
	District Comment: District 8 made no recommendation		
	Support: 0 people spoke, 0 letters		
	Opposition: 0 people spoke, 0 letters		
	Hearing: Hearing is open		
	Motion: Lay over to January 5, 2012		



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

25 West Fourth Street
Saint Paul, MN 55102

Telephone: 651-266-6700
Facsimile: 651-228-3220

Date: 21 December 2011
To: Planning Commission
From: Comprehensive Planning Committee
Subject: Parkland Dedication Amendments Study Draft for Public Review

Study Initiation.

On November 18, 2011, the Planning Commission initiated a zoning study to consider the following amendments to Sec. 69.511, Parkland dedication requirements, of the Subdivision Regulations:

1. An amendment to § 69.511(b) to base the amount of required parkland dedication at the time of platting just on the total acreage of the new lots being created for new residential, commercial, or industrial development that would create a need for additional parkland, and not on lots for which the use would be unchanged or for something that would not create a need for additional parkland, bringing the text of this code requirement into greater conformance with state and federal law, consistent with City Council variance decisions; and
2. Amendments to § 69.511(d) to decouple the parkland dedication requirement at the time of building permits from parking, and replace it with different measures of density and intensity of use that are always known, easy to track, and would result in a roughly similar amount of parkland dedication so that even if a development has no parking there would still be a parkland dedication requirement, and so that the requirement is proportionate to the need for parkland created by the development as required by state law.

Background and Analysis.

Sec. 69.511, Parkland dedication requirements, was adopted in 2007 as part of Saint Paul's subdivision regulations, based on the enabling legislation for municipal subdivision regulations in Minnesota Statutes 462.358. It has a **two part parkland dedication requirement**:

§ 69.511(b), *Parkland dedication at the time of platting*, a standard base 2% of the land at the time of platting that applies to all platting of land for residential, commercial, or industrial development; *plus*

§ 69.511(d), *Parkland dedication at the time of building permits*, up to an additional 7% of the land at the time of building permits for residential, commercial, or industrial development based on the type, intensity and density of the use of the land.

1. Lots for New Development: Amendment to § 69.511(b), *Parkland dedication at the time of platting*.

There have been ten plats approved by the City Council since the parkland dedication requirements went into effect in 2007. All ten plats were for residential, commercial, or industrial development and required the standard base percentage of the land dedicated for parkland at the time of platting in § 69.511(b), *Parkland dedication at the time of platting*.

The City Council found that basing the parkland dedication requirement on the total acreage of the *entire* plat would have been unreasonable for two of the eight plats because use of some the new lots would be unchanged or for something other than new residential, commercial, or industrial development, and therefore would not create a need for additional parkland.

- In the case of Update Addition at 2340 Capp Road, the new plat subdivided a large industrial parcel in order to create three smaller new lots for new industrial development, with the existing industrial use on the larger parcel remaining unchanged. The unchanged existing industrial use on the larger parcel would not create a need for additional parkland.
- In the case of Carondelet Village at the southwest corner of Fairview and Randolph, the new plat subdivided a large institutional parcel to create two new institutional lots and an outlot. New senior housing development was proposed on one of the lots, with the existing use of the other lot and the outlot remaining unchanged. The outlot and the unchanged institutional use on one of the new lots would not create a need for additional parkland.

Accordingly, the City Council granted variances to base the amount of required parkland dedication at the time of platting just on the total acreage of the new lots being created for new residential, commercial, or industrial development that would create a need for additional parkland, and not on lots for which the use would be unchanged or for something that would not create a need for additional parkland. The City Council variance decisions provide direction to amend the parkland dedication requirement to avoid the need for a variance every time this situation comes up. The draft amendment to § 69.511(b) below would do this.

It is a fairly common situation that new plats in a fully developed city like St. Paul may include lots for which the use would be unchanged, would therefore not create a need for additional parkland, and consequently for which the city does not have the authority to require parkland dedication. The City Council decisions in these two cases are consistent with provisions in state law that do not allow municipalities to require dedication of parkland beyond “a reasonable portion of the buildable land” that is proportionate to a need for additional parkland created by the subdivision itself.

The Fifth Amendment to the Constitution of the United States provides that private property shall not be taken for public use without just compensation. This is reflected in Article I, Bill of Rights, of the Constitution of the State of Minnesota, Sec. 13, *Private property for public use*, which states, “Private property shall not be taken, destroyed or damaged for public use without just compensation therefore, first paid or secured.”

The enabling legislation for municipal parkland dedication requirements in Minnesota Statutes 462.358, Subd. 2b is narrowly written for conformance with the Fifth Amendment and Article I, Sec. 13 of the state constitution. It does not provide municipalities with general authority to require dedication of parkland for public use without just compensation. Rather, it provides

municipalities with authority to require dedication, under a very limited set of circumstances, of “a reasonable portion of the buildable land” in a subdivision “for public use as streets, roads, sewers, . . . water facilities, storm water drainage . . . , parks, playgrounds, trails, wetlands, or open space” only to the extent that the municipality reasonably determines “that it will need to acquire that portion of land for the purposes stated in this subdivision as a result of approval of the subdivision” itself. In such circumstances, the “just compensation” is the value added to the buildable land from use of the dedicated land. Beyond that, some other form of just compensation must be paid or secured for private property taken for public use.

The enabling legislation gives municipalities authority to require dedication of land for public streets only if the subdivision itself creates a need for new public streets to serve the subdivision. Likewise, it gives municipalities authority to require dedication of land (or cash in lieu of land) for public parks only if the subdivision itself creates a need for new public parks to serve the subdivision. If the subdivision itself does not create a need to acquire land for public streets or parks, then MN Stat. 462.358, Subd. 2b does not give the municipality the authority to require dedication of land for public streets or parks. Accordingly, if use of new lots created by a subdivision is unchanged or the new use does not create a need for additional parkland, then the city would not have the authority to require dedication of parkland. The City Council decisions to grant variances to require parkland dedication based just on the total acreage of the new lots that are being created for new residential, commercial, or industrial development, and not on lots that would be unchanged or for some other use, is consistent with the requirements of state and federal law. The draft amendment to § 69.511(b) below would bring the text of this code requirement into greater conformance with state and federal law, consistent with the City Council variance requirements.

2. Decouple from parking: Amendments to § 69.511(d), *Parkland dedication at the time of building permits*.

§ 69.511(d), *Parkland dedication at the time of building permits*, responds to the requirement in Minn. Stat. 462.358, Subd. 2c, part of the state enabling legislation for municipal parkland dedication requirements as part of municipal subdivision regulations, that required parkland “dedication must bear a rough proportionality to the need created by the proposed subdivision or development.” This depends on the type, intensity and density of the use of the land, which not only may not be known at the time of platting, but also changes over time.

§ 69.511(d), *Parkland dedication at the time of building permits*, uses parking as a proxy measure of density and intensity of use because it is always known and is relatively easy to track. Since it was adopted there has been concern about the possibility of new development that may increase the need for parkland even though the new development has little or no parking. This is a particular concern for areas such as Downtown and the Central Corridor that may need less parking because of good transit service.

Central Corridor LRT Station Area Plans adopted by the City Council on October 22, 2008, as addenda to the Central Corridor Development Strategy note the importance of additional park and recreational spaces for attaining the full potential of station areas, particularly with respect to residential development. The *Moving Forward* chapter notes that the parkland dedication ordinance links the amount of parkland dedication required to the amount of new parking

provided in a project, while the Central Corridor Development Strategy and station area plans encourage a reduction in parking in order to promote density and transit use, and therefore recommends decoupling the parkland dedication requirement at the time of building permits from parking.

The draft amendment to § 69.511(d) below decouples the parkland dedication requirement at the time of building permits from parking, and replaces it with different measures of density and intensity of use that are always known, easy to track, and would result in a roughly similar amount of parkland dedication so that even if a development has no parking there would still be a parkland dedication requirement, and so that the requirement is proportionate to the need for parkland created by the development as required by state law.

The residential parkland dedication requirements in § 69.511(d) below are different than the commercial and industrial requirements to reflect the different need for parkland created by residential uses, a common practice in parkland dedication ordinances that have commercial and industrial requirements.

The draft parkland dedication requirement per dwelling unit in § **69.511(d)(1)** below is high enough that multi-family development, particularly downtown and in mixed-use corridors such as the Central Corridor where most new residential development is expected, would typically hit the existing 7% of land maximum dedication at the time of building permits (9% maximum dedication combined with the 2% of land dedication at the time of platting). The percentage of land maximum, the rationale for which was documented (based on the requirements of state law) when the parkland dedication ordinance was first adopted and which is not proposed to change, would continue to be the determining part of the formula for most new residential development. Residential development would hit the 7% of land maximum dedication at 20 dwelling units per acre. The City Land Use Plan calls for a minimum of 30 dwelling units per acre for mixed-use corridors city-wide, and notes several recent examples of multi-family developments in mixed-use corridors with such density.

Efficiency and one bedroom dwelling units are typically in multi-family development that would hit the 7% of land maximum parkland dedication. Carondelet Village, for example, has 193 dwelling units for seniors and 66 rooms for memory care/assisted living on a 6 acre lot. Residential development on a 6 acre site would hit the maximum parkland dedication at 122 dwelling units.

An office with one employee per 300 or 400 sq. feet of floor area creates greater need for parkland than an industrial or manufacturing use with 1000 or 1200 sq. feet per employee, or a warehouse with one employee per 5000 sq. feet of floor area. The draft amendments to §**69.511(d)(2)** below reflect this, consistent with the requirement in state statutes for rough proportionality to the need for parkland created by the development.

The draft amendments to § **69.511(d)(2)** below base the parkland dedication requirement for commercial and industrial development at the time of building permits on the gross floor area of the development. Gross floor area is always accurately known at the time of building permits, is not subject to very much change, and is relatively easy to track. (This would be unlike trying to keep track of the number of employees, which would not be so accurately known at the time of building permits, would be subject to more change, and also would not account for need for parkland generated by customers or guests.) Most commercial and industrial parking

requirements are based on the gross floor area of the development. The parkland dedication requirements based on gross floor area for new commercial and industrial development in §69.511(d)(2) below are calculated to be roughly similar to the current parkland dedication requirements for commercial and industrial development based on the amount of parking.

The draft parkland dedication requirements for commercial development in § 69.511(d)(2) below are high enough that most commercial development downtown and in mixed-use corridors such as the Central Corridor, where most new commercial development is expected, would typically hit the existing 2% of land maximum dedication for commercial development at the time of building permits (4% maximum dedication combined with the 2% of land dedication at the time of platting). The percentage of land maximum would continue to be the determining part of the formula for most new commercial development. Commercial development would hit the 2% of land maximum dedication for commercial development at a floor area ratio (FAR) of 0.2. Traditional Neighborhood zoning districts, which cover most of the Central Corridor and are commonly used in other mixed-use corridors, require a minimum FAR of 0.3 to 0.5. T3 and T4 Traditional Neighborhood districts require a minimum FAR of 1.0 for lots more than 25,000 sq. feet in light rail station areas, which are defined to cover most of the Central Corridor.

Draft Zoning Code Amendments for Public Review.

The Comprehensive Planning Committee recommends that the Planning Commission release the following draft zoning code amendments for public review and set a Planning Commission public hearing for February 10, 2012.

Sec. 69.511. Parkland dedication requirements.

- (b) *Parkland dedication at the time of platting.* For platting of land for residential, commercial, and/or industrial development, the property owners, subdividers or developers shall dedicate two (2) percent of the total acreage of new lots that are being created for new residential, commercial, or industrial development ~~the plat~~, on a one time basis, prior to or at the same time as recording the final plat, for the purposes listed in subdivision (a) of this section. Land so dedicated shall be within the plat and/or, subject to agreement by the city council and the subdividers, in close proximity to the plat.
- (d) *Parkland dedication at the time of building permits.* For new residential units, ~~and for commercial and/or industrial development~~, the property owners, subdividers or developers shall dedicate up to seven (7) percent of the total land area of the property or cash in lieu of land, on a one time basis, for the purposes listed in subdivision (a) of this section based on the ~~number of additional accessory off-street parking spaces, and conversion of existing commercial/industrial accessory parking to residential spaces, for increase in amount of parkland dedication required by the following standards for the new development over and above the amount of parkland dedication that would have been required by these standards for the previous use of the property.~~
- (1) For new residential ~~units development~~, the amount of land shall be one hundred ~~fifty~~ (100/150) square feet per ~~dwelling unit~~ surface parking space and ~~fifty (50) square~~

~~feet per parking space within a structure~~, to a maximum of seven (7) percent of the total land area of the property.

- (2) For commercial and industrial development, the amount of land shall be based on the gross floor area (GFA) of the new development as follows ~~thirty (30) square feet per surface parking space and fifteen (15) square feet per parking space within a structure~~, to a maximum of two (2) percent of the property-:

<u>Land Use</u>	<u>Parkland Dedication Requirement</u>
<u>Commercial uses</u>	<u>100 sq. ft. per 1000 sq. ft. GFA</u>
<u>Industrial, manufacturing, limited production and processing, service business with showroom or workshop</u>	<u>30 sq. ft. per 1000 sq. ft. GFA</u>
<u>Wholesale establishment</u>	<u>20 sq. ft. per 1000 sq. ft. GFA</u>
<u>Warehousing, storage</u>	<u>6 sq. ft. per 1000 sq. ft. GFA</u>

Land so dedicated shall be within or in close proximity to the development. The amount of cash in lieu of land shall be based upon the county assessor's estimated market value of the parcel of land per square foot, multiplied by one-third of the square feet of land that would otherwise be dedicated. For ~~parking spaces for~~ dwelling units required to be affordable under Saint Paul Housing and Redevelopment Authority or other similar financing agreements, or other contractual agreement with the city, the amount of cash otherwise required shall be multiplied by the specified percentage of Twin Cities area median income at which the unit is required to be affordable.

The city council may require the land dedication option under this subdivision (d) as a condition of plat approval, and in so doing may require that the land be dedicated prior to or at the same time as recording the final plat. In all other cases, the dedication of land or cash in lieu of land required under this subdivision (d) shall be done prior to obtaining building permits for the development to which the ~~parking spaces are accessory~~, and the dedication of land shall be subject to agreement by the city council and the owners, subdividers or developers; without such agreement, cash shall be paid in lieu of land dedication.

Committee Recommendation

The Committee recommends that the Planning Commission release this draft for public review and set a public hearing date for February 10, 2012.

**Parkland Dedication Ordinance Fees and
Parkland Replacement Fees Collected
Through 10/31/2011**

	Total Fees Collected 2007	Total Fees Collected 2008	Total Fees Collected 2009	Total Fees Collected 2010	Total Fees Collected 2011	Total Fees Collected as of 10/31/2011
District 1 Battle Creek/Highwood	\$ 645.33	\$ 2,143.30	\$ 51,520.88	\$ 499.86	\$ 14,971.60	\$ 69,780.97
District 2 The Greater East Side	\$ 883.40	\$ 10,968.05	\$ 5,107.33	\$ 1,079.13	\$ 402.43	\$ 18,440.34
District 3 West Side Citizens Organization	\$ 1,638.77	\$ -	\$ -	\$ -	\$ -	\$ 1,638.77
District 4 Dayton's Bluff	\$ -	\$ -	\$ -	\$ 889.79	\$ -	\$ 889.79
District 5 Payne - Phalen Planning	\$ 12,505.40	\$ 4,945.87	\$ -	\$ -	\$ -	\$ 17,451.27
District 6 Planning Council	\$ 14,275.67	\$ -	\$ -	\$ 698.34	\$ 8.79	\$ 14,982.80
District 7 Planning Council	\$ -	\$ -	\$ -	\$ 19,303.30	\$ -	\$ 19,303.30
District 8 Summit - University	\$ -	\$ 2,764.86	\$ -	\$ 1,191.60	\$ 236.74	\$ 4,193.20
District 9 Fort Road/West Seventh	\$ 1,220.45	\$ -	\$ -	\$ 213.60	\$ 14,083.00	\$ 15,517.05
District 10 Como Park	\$ -	\$ -	\$ -	\$ 231.50	\$ -	\$ 231.50
District 11 Hamline - Midway	\$ -	\$ -	\$ -	\$ 200.00	\$ 401.00	\$ 601.00
District 12 Saint Anthony Park	\$ 1,196.95	\$ 21,526.67	\$ -	\$ 10,367.33	\$ -	\$ 33,090.95
District 13 Lexington - Hamline	\$ 660.00	\$ 7,322.84	\$ -	\$ -	\$ 6.67	\$ 7,989.51
District 14 Macalester - Groveland	\$ 698.52	\$ 2,648.00	\$ -	\$ -	\$ 347.22	\$ 3,693.74
District 15 Highland Park	\$ -	\$ 5,947.58	\$ -	\$ 63,842.19	\$ 619.87	\$ 70,409.64
District 16 Summit Hill Association	\$ -	\$ 2,000.00	\$ -	\$ -	\$ -	\$ 2,000.00
District 17 Capital River Council	\$ -	\$ 4,513.00	\$ -	\$ -	\$ 11,624.67	\$ 16,137.67
Total Parkland Dedication Fees	\$ 33,724.49	\$ 64,780.17	\$ 56,628.21	\$ 98,516.64	\$ 42,701.99	\$ 296,351.50

PARKLAND DEDICATION FROM PLATS

MAY 2007-NOVEMBER, 2011

Zoning File #	Plat Name	Address/ Location	Planning		Number of lots	Fee in Lieu
			District			
07-080-838	Commerce Building	8 4th St. E	17	6 (vertical)	\$ 3,446.00	
07-087-802	Update Addition	2340 Capp Rd.	12	5	\$ 2,228.00	(fee variance approved)
07-204-918	Whitall Townhomes	581-619 Wells	5	18	\$ 3,894.00	
07-206-001	Highwood Center	1744 Old Hudson Rd.	1	1	\$ 2,417.33	
08-021-924	Fitzgerald Addition	590 Randolph	9	2	\$ 1,100.00	
08-122-138	McCullough Addn.	502 Jackson	17	3	\$ 4,513.00	
Herbert Landing						
08-128-559	Townhomes	1611 Case	2	2	\$ 5,107.33	
10-007-417	Carondelet Village	Fairview and Randolph	15	3	\$ 27,222.33	(fee variance approved)
11-128-731	St. Anthony Park Townhomes	2322 Long Ave.	12	10	\$ 960.00	
11-236-662	Capp Road Addition	2286 Capp Rd.	12	2	\$ 6,737.33	

Total Fees**\$ 57,625.32**

Parkland Dedication at the time of Building Permits: Comparison of Fee in Lieu of Land Using Current Code Language (based on # of parking spaces) & Proposed Amended Language (based on # of residential units & commercial / industrial floor area)
12-16-2011

<u>Project</u>	<u>Address</u>	<u>Current</u>	<u>Proposed</u>
Project for Pride in Living Housing [44 affordable housing units – had lower fee based on mostly (44) underground parking spaces]	2226 W. 7th St.	\$ 11,508	\$ 13,357
Chittenden & Eastman Bldg. Housing [reuse of old commercial building for housing; not much parking, so higher fee based on number of dwelling units]	2402 University	\$ 8,260	\$ 17,700
Carleton Place Lofts Housing (Phase 2)	765 Hampden	\$ 35,989	\$ 32,300
Renaissance Box Housing Conversion [reuse of commercial space for affordable housing; no parking, so higher fee based on number of dwelling units]	200 E. 10th St.	- 0 -	\$ 10,948
Minnesota Building Housing Conversion [reuse of commercial space for affordable housing; no parking, so higher fee based on number of dwelling units]	46 E. 4th St.	- 0 -	\$ 9,327
Commerce Building Phase 2 Housing [reuse of commercial space for affordable housing; no parking, so higher fee based on number of dwelling units]	10 E. 4th St.	- 0 -	\$ 5,856
Shadow Falls Housing [12 units – all 20 parking spaces are structured/underground, so higher fee based on number of dwelling units]	205 Otis Av.	\$ 6,605	\$ 11,886
Lofts at Farmers Market - Mixed Use	260 E. 5th St.	\$ 11,625	\$ 11,625
Frogtown Square - Mixed Use	611 N. Dale	\$ 19,210	\$ 19,699
The Penfield - Mixed Use	11th and Robert	\$ 75,950	\$ 75,950
West Side Flats Apartments - Mixed Use	84 S. Wabasha	\$ 7,880	\$ 7,880
Mississippi Market Parking Lot Expansion [just additional parking; no additional commercial floor area]	622 Selby Av.	\$ 669	- 0 -
Meridian Industrial Center	650 Pelham Blvd.	\$ 12,117	\$ 11,597
J & J Produce Addition	653 Rice St.	\$ 2,305	\$ 1,098
Parking Lot	855 Rice St.	\$ 537	- 0 -
Yang Parking Lot	1046 Rice St.	\$ 605	- 0 -
Planned Parenthood Clinic [the calculation based on floor area accounts for greater parkland dedication that would have been required by the previous use than the calculation based on number of parking spaces]	671 Vandalia	\$ 10,367	\$ 6,565
Walgreens [the floor area of the 3 buildings previously on the site is virtually the same as the floor area of the 3 new buildings]	2101 Ford Parkway	\$ 3257	- 0 -
Baldinger Bakery	1256 Phalen Blvd.	\$ 890	\$ 1,334
Hammernick Showroom	1392 Rice St.	\$ 698	\$ 2,095